

REMARKS

Receipt of the Office Action of July 28, 2005 is gratefully acknowledged.

The application has been re-examined and claims 3, 5, 6 and 14 finally rejected as follows: (1) under 35 USC 112, second paragraph; and (2) under 35 USC 103(a) over Gillespie et al in view of Kuraray and either Chen, Dugan et al or Takai.

(1)

This rejection is based upon the fact that claim 14 contains "grammatically awkward" phrases, specifically, "nonwoven fabric is produces" and "formed by splittable the sticking."

To remove this rejection from consideration, claim 14 has been amended to change "nonwoven fabric is produces" to "nonwoven fabric is produced," and to change "formed by splittable the sticking" to "formed by splitting the sticking."

These amendments should obviate the rejection under 35 USC 112, second paragraph.

(2)

The rejection based upon 35 USC 112, first paragraph is respectfully traversed.

In the rejection, the examiner states that because the references teach "excellent water absorbency and dirt removal properties," their combination is proper. "The multiple secondary patents in some way disclose modifying or treating a fibers surface to improve the hydrophilicity and water absorption of the fibers." The examiner goes on to state that "...applicant must provide some reason why the motivation already set forthwould not be sufficient to combine the cited references...."

The reason that the combination is not dispositive is that the link, namely, absorbency, amount to a "general motivation" at best, and a general motivation does not justify a combination. See **Cardiac Pacemakers Inc. v. St Jude Medical Inc.**, 72 USPQ2d 1333 (Fed. Cir 2004). Do any of the cited references teach a cloth made of a nonwoven fabric with 1) a polyester polymer component containing polyoxyalkleneglycol of 2000 to 20000in mass average molecular weight, and 2) a polyolefin polymer component which is insoluble in the polymer component, for


example. In discussing Gillespie, for example, the examiner states that "Gillespie et al. discloses a nonwoven fabric made from splittable bicomponent fibers which can be further modified or treated to improve the fabrics hydrophilicity properties." Perhaps, but what about 1) and 2), for example. does Gillespie et al teach them? The answer is no. Do any of the other references teach them? Again the answer is no. At least it is not apparent to applicant that they do.

A general motivation for combining references may stand, but it does not lead to the invention claimed, and that is the critical consideration.

The examiner is urged to reconsider his position, to enter the amendment to claim 14 because it serves to overcome the indefiniteness rejection and to fins claims 3, 5, 6 and 14 allowable over the combination of references now of record on the grounds that the combination, even if made, does not teach the invention claimed.

Respectfully submitted,

Date: October 28, 2005



Felix J. D'Ambrosio
Reg. No. 25,721

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314 - 1176
(703) 683-0500

S:\Producer\jfd\CLIENTS\Okumura Shigeki Patent Office\KIHA3001\Response for May 1, 2005.wpd